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United Nations

Report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

Seventh session
(26-30 November 2007)

Eighth session
(14-25 April 2008)

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Note

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

[4 August 2008]

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I. ORGANIZATIONAL AND OTHER MATTERS

A. States parties to the Convention

1. On 25 April 2008, the closing date of the eighth session of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, there were 37 States parties to the International Convention on the Rights of All Migrant Workers and Members of Their Families. The Convention was adopted by the General Assembly in resolution 45/158 of 18 December 1990 and entered into force on 1 July 2003, in accordance with the provisions of its article 87, paragraph 1. A list of States that have signed, ratified or acceded to the Convention is contained in annex I to the present report.

B. Meetings and sessions

2. The Committee held its seventh session at the United Nations Office at Geneva from 26 to 30 November 2007. The Committee held 10 plenary meetings (CMW/C/SR.59-68). The provisional agenda, contained in document CMW/C/7/1, was adopted by the Committee at its 59th meeting, on 26 November 2007.

3. The Committee held its eighth session at the United Nations Office at Geneva from 14 to 25 April 2008. The Committee held 19 plenary meetings (CMW/C/SR.69-87). The provisional agenda, contained in document CMW/C/8/1, was adopted by the Committee at its 69th meeting, on 14 April 2008.

4. The list of documents issued or to be issued in connection with the seventh and eighth sessions of the Committee is given in annex IV.

C. Membership and attendance

5. At the third meeting of States parties, on 6 December 2007, elections were held to replace the members of the Committee whose terms would expire on 31 December 2007 (see CMW/SP/6). The following members were elected for a period of four years beginning 1 January 2008: Mr. Francisco Alba (Mexico), Ms. Ana Elizabeth Cubias Medina (El Salvador), Mr. Ahmed Hassan El-Borai (Egypt), Mr. Abdelhamid El Jamri (Morocco) and Ms. Myriam Poussi Konsimbo (Burkina Faso).

6. At its 69th meeting (eighth session), the Committee thanked former member Mr. Francisco Carrion Mena (Ecuador) for his contribution to its work.

7. The list of the members of the Committee, together with an indication of the duration of their terms of office, appears in annex II to the present report.

8. All members of the Committee attended the seventh and eighth session of the Committee.

D. Solemn declaration

9. At the opening of the 71st meeting (eighth session), on 14 April 2008, Myriam Poussi Konsimbo made the solemn declaration in accordance with rule 11 of the Committee's provisional rules of procedure.

E. Election of officers

10. Also at its 71st meeting, the Committee elected the following officers for a term of two years, in accordance with rule 12 of its provisional rules of procedure:

Chairperson:	Mr. Abdelhamid El Jamri
Vice-Chairpersons:	Mr. José Brillantes Ms. Anamaría Dieguez Mr. Azad Taghizade
Rapporteur:	Mr. Francisco Alba

F. Future meetings of the Committee

11. At its eighth session, the Committee welcomed the approval by the General Assembly of its request for two sessions in 2008, one of two weeks' and one of one week's duration, which allowed it to fulfil its functions more effectively. It considered, in view of the number of reports received and the general issues requesting its attention, that it would continue to need a similar arrangement for its meetings in the year 2009. The sessions of the Committee will be held at the United Nations Office at Geneva.

12. The Committee's ninth session will be held from 24 to 28 November 2008, at the United Nations Office at Geneva.

G. Participation in inter-committee meeting and working groups

13. Mr. Alba and Mr. Taghizade represented the Committee at the sixth inter-committee meeting, which was held from 18 to 20 June 2007, together with Chairperson Kariyawasam, who participated also in the 19th meeting of chairpersons of the human rights treaty bodies, which took place from 21 to 22 June 2007.

14. The Chairperson, Prasad Kariyawasam, represented the Committee at the brainstorming meeting on the reform of the human rights treaty body system which was held in Berlin in July 2007.

H. Promotion of the Convention

15. At its seventh session, the Committee discussed ways and means of promoting the Convention at the second Global Forum on Migration and Development, to be hosted by the Government of the Philippines in October 2008. The Committee's Chairman addressed a letter to Esteban Conejos,

Undersecretary of Foreign Affairs of the Philippines and Coordinator of the Global Forum on Migration and Development 2008, in order to invite him to make the Convention a central theme during one of the sessions at the Forum and in order to offer the Committee's cooperation in this regard.

16. At its eighth session, the Committee discussed its possible contribution to the Global Forum on Migration and Development, to be held in the Philippines in October 2008. The Committee noted with appreciation that human rights was one of the main topics on the second Global Forum's agenda and welcomed the invitation by the Chairman of the Global Forum to attend the Forum as an observer. The Committee adopted a proposal on the topic of migration, development and human rights, for use by the Global Forum Chairman in the preparations for his background paper on this subject. The text of the proposal is contained in annex VI.

17. At its eighth session, the Committee celebrated the fifth anniversary of the entry into force of the Convention through the organization of a round table on the importance of a human rights based approach to migration and the relevance of the Convention in this regard. Panellists at the round table were Mr. Patrick Taran (International Labour Organization), Ms. Marie-Claire Caloz-Tschopp (University of Lausanne), Mr. Ryszard Cholewinski (International Organization for Migration), Mr. Denis Lepatan (Ambassador of the Philippines), Mr. Carlos Santos (Chargé d'affaires, Ecuador), Mr. Antoine Pecoud (United Nations Educational, Scientific and Cultural Organization) and Mr. René Plaetevoet (NGO December 18). The round table was attended by representatives of around 20 member States, including non-States parties to the Convention. The programme of the round table is reproduced in annex VII to the present report.

18. At its eighth session, the Committee also discussed its possible cooperation with the Durban Review process. Ms. Myriam Poussi represented the Committee at the panel discussion on the objectives of the Durban Review Conference, held as part of the Preparatory Committee's session on Tuesday, 22 April 2008.

I. ADOPTION OF THE REPORT

19. At its 87th meeting (eighth session), the Committee adopted its annual report to the General Assembly.

II. METHODS OF WORK

20. At its eighth session, the Committee discussed and adopted its guidelines for the submission of periodic reports by States parties, taking into account the guidelines for the common core document that were agreed by the inter-committee meeting. The text of the guidelines is contained in annex V of this report and will be reproduced as a separate document (CMW/C/2008/1).

III. COOPERATION WITH CONCERNED BODIES

21. At its seventh session, the Committee was briefed about the Secretary-General's study on violence against children and its follow-up. At its eighth session, the Committee was briefed on the recently concluded first session of the Human Rights Council's Working Group on the Universal Periodic Review.

22. At its eighth session the Committee discussed the draft general comment of the Committee on the Elimination of Discrimination against Women on migrant women. The Committee also had an informal meeting with the Chairperson of the Committee on the Elimination of Discrimination against Women and some of its members to discuss the possibilities of further cooperation between the two treaty bodies in the drafting of this general comment.

23. The Committee continued its cooperation with United Nations agencies, intergovernmental organizations and non-governmental organizations. It particularly welcomed their contributions in relation to the consideration of States parties' reports and the participation of ILO, IOM, UNESCO and December 18 in the Committee's celebration of the fifth anniversary of the entry into force of the Convention.

24. The Committee expresses its appreciation in particular for the advice given on many occasions by the ILO, which assists the Committee in a consultative capacity in accordance with article 74, paragraph 5, of the Convention.

IV. REPORTS BY STATES PARTIES UNDER ARTICLE 73 OF THE CONVENTION

25. During its seventh session, the Committee noted with concern that many initial reports from States parties under article 73 of the Convention had not yet been received. It decided to send reminders to those States parties whose reports were overdue. Annex III to the present report contains a table showing the dates by which the reports of States parties should be submitted.

V. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLE 74 OF THE CONVENTION

26. Ecuador

(1) The Committee considered the initial report of Ecuador (CMW/C/ECU/1) at its 60th and 61st meetings (seventh session), held on 26 and 27 November 2007. At its 67th meeting, held on 30 November 2007, it adopted the following concluding observations.

A. Introduction

(2) The Committee welcomes the submission of the initial report of the State party as well as the replies to the list of issues and the additional written information provided by the delegation, which enabled the Committee to gain a clearer idea on the implementation of the Convention in the State

party. The Committee also welcomes the constructive and fruitful dialogue with a competent high-level delegation.

(3) The Committee recognizes that Ecuador is known as a country of origin of migrant workers with, however, significant and increasing numbers of migrant workers staying in its territory, in particular Colombians and Peruvians, or workers in transit.

(4) The Committee notes that some of the countries in which Ecuadorian migrant workers are employed are not yet parties to the Convention, which may constitute an obstacle to the enjoyment by those workers of the rights to which they are entitled under the Convention.

B. Positive aspects

(5) The Committee welcomes the efforts by the State party to promote and protect the rights of Ecuadorian migrant workers abroad, including measures taken to facilitate their participation in national electoral processes. It also welcomes the adoption of bilateral agreements with both countries of employment of Ecuadorian migrant workers, such as Spain, and countries of origin of migrant workers travelling to Ecuador, such as Peru and Colombia.

(6) The Committee further welcomes:

(a) The fact that the National Secretariat for Migrants (SENAMI), mandated to develop and implement Ecuador's migration policies, has been elevated to ministerial level in 2007;

(b) The establishment, in September 2005, of the Round Table on Labour Migration, an inter-institutional framework which includes civil society organizations and specialized international organizations, with the aim of assisting in the formulation of public policies on migration, with a rights-based approach;

(c) The implementation of migration regularization programmes by the State party with the aim of documenting irregular migrants, notwithstanding some shortcomings in the reach and results of these programmes;

(d) The information that civil society organizations were involved in the preparation of the State party's initial report;

(e) The State party's participation at the international level in efforts to promote the ratification of the Convention;

(f) The creation of an information system on migration.

(7) The Committee also welcomes the ratification of the following instruments:

(a) The Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict, ratified on 30 January and 7 June 2004 respectively;

(b) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, ratified on 17 September 2002;

(c) International Labour Organization (ILO) Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, of 1999, ratified on 19 September 2000.

C. Principal subjects of concern, suggestions and recommendations

1. General measures of implementation (arts. 73 and 84)

Legislation and application

(8) The Committee notes with appreciation that international treaties ratified or acceded to by the State party, including this Convention, have a very high rank in the State party's legal system, second only to the Constitution. Nonetheless, the Committee is concerned that a number of provisions in national legislation, although considered obsolete, are at variance with the provisions of the Convention. This is a concern also because officials working in the administration of justice, including lawyers, judges and prosecutors, make little use of the Convention and instead rely on national norms.

(9) **The Committee recommends that the State party fully harmonize its legislation with the Convention in order to give appropriate implementation to its provisions. The State party is also encouraged to develop awareness-raising programmes for judicial officials on the importance of being aware and making use of human rights treaties, including this Convention.**

(10) The Committee notes that Ecuador has not yet made the declarations provided for in articles 76 and 77 of the Convention recognizing the competence of the Committee to receive communications from States parties and individuals.

(11) **The Committee encourages the State party to consider making the declarations provided for in articles 76 and 77 of the Convention.**

(12) The Committee notes that while Ecuador ratified on 5 April 1978 the ILO Migration for Employment Convention, 1949 (No. 97), it has still not acceded to the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143).

(13) **The Committee invites the State party to consider acceding to ILO Convention No. 143 as soon as possible.**

Data collection

(14) The Committee recalls that information on migration, including on immigration and transit, is indispensable to an understanding of the situation of migrant workers in the State party and to an assessment of the implementation of the Convention.

(15) **The Committee encourages the State party to pursue its efforts to create a sound database in line with all aspects of the Convention, including systematic data - as disaggregated as possible - concerning migrant workers in transit or in Ecuador. When precise information is not possible, for instance with respect to migrant workers in an irregular situation, the Committee would appreciate receiving data based on studies or estimated assessments.**

Training in and dissemination of the Convention

(16) The Committee notes that - in the context of Ecuador's National Plan for Human Rights - training activities for civil society organizations and relevant public officials on the Convention and its promotion have been introduced. It is also appreciated that the national police has introduced as mandatory the subject of human rights of migrants in courses for police officers.

(17) **The Committee recommends that the State party continue and expand systematic education and training for all officials working in the area of migration or in contacts with migrant workers and members of their families, including at the local level.**

(18) **The Committee also recommends that the State party make the provisions of the Convention widely known to both Ecuadorian migrant workers abroad and foreign migrant workers residing or in transit in Ecuador, as well as to communities as a whole, through, inter alia, long-term awareness-raising campaigns.**

2. General principles (arts. 7 and 83)

Non-discrimination

(19) The Committee is concerned at the information that migrant workers and members of their families may suffer from discriminatory attitudes and social stigmatization. Furthermore, while taking note of the State party's explanation in this respect, the Committee is concerned that the practice of asking for the certificate of criminal record (*pasado judicial*) exclusively from Colombian migrants, may contribute to their stigmatization and stereotyping.

(20) **The Committee encourages the State party:**

(*a*) To intensify its efforts to ensure that all migrant workers and members of their families within its territory or subject to its jurisdiction enjoy the rights provided for in the Convention without any discrimination, in conformity with article 7;

(*b*) To strengthen its awareness-raising efforts by promoting information campaigns for public officials working in the main areas of immigration, including at the local level, and for the general public on the elimination of discrimination against migrants, and combat their social marginalization and stigmatization, including via the media;

(*c*) To consider, given the potentially adverse impact of the practice of asking for the certificate of criminal record (*pasado judicial*) as entry requirement applicable to exclusively Colombian migrants, reviewing this policy.

3. Human rights of all migrant workers and members of their families (arts. 8-35)

(21) The Committee notes that, according to article 37 (d) of the Migration Law, Ecuadorians wishing to leave the country need an "exit permit" issued by the Migration Service of the National Police even if the country of destination does not require any visa for Ecuadorian citizens. In this respect, the Committee welcomes the information provided by the delegation that the Constitutional Court is currently assessing the constitutionality of this provision.

(22) **The Committee recommends that the State party eliminate the requirement of the "exit permit" for nationals wishing to leave Ecuador, in accordance with article 8 of the Convention.**

(23) The Committee notes that the State party seeks to ensure that migrant workers and members of their families detained for violation of provisions relating to migration are held separately from convicted persons or persons detained pending trial. However, it is concerned that, due to the limited number of separated places of detention available, this right is not always guaranteed in practice, especially in isolated or sparsely populated areas of the country.

(24) **The Committee recommends that the State party ensure that migrants or members of their families detained for violation of provisions relating to migration are deprived of their liberty for as short a time as possible and continue to take steps to guarantee that they be held, insofar as practicable, separately from convicted persons or persons detained pending trial, in accordance with article 17, paragraph 3, of the Convention.**

(25) The Committee is concerned at the information that the provisions of the Convention are not always respected in expulsion/deportation procedures, including due to the fact that:

(a) It is the same authority, i.e. the Police Commissioner (Intendente General de Policia) investigating the case who decides on the merits of each expulsion/deportation case;

(b) There is no effective remedy available in practice against these decisions;

(c) Article 131 of the Migration Law provides that when a deportation/expulsion order cannot be executed because it has been issued against a stateless person or a person lacking identity papers, or for any other justifiable reason, the Police Commissioner refers the concerned person to a penal judge and this person may end up in prison for up to three years, pending execution of the expulsion/deportation order.

(26) **The Committee recommends that the State party take the necessary measures to establish a legal framework which regulates expulsion/deportation procedures in accordance with articles 22 and 23 of the Convention, in particular:**

(*a*) The person concerned shall have the right to submit the reasons he or she should not be expelled and to have his or her case reviewed by a competent authority;

(*b*) If a decision of expulsion that has already been executed is subsequently annulled, the person concerned shall have the right to seek compensation according to the law;

(*c*) In case of expulsion, the person concerned shall be informed without delay of his/her right to have recourse to the protection and assistance of the consular or diplomatic authorities of the State of origin or of a State representing the interests of that State.

(27) **The Committee also recommends that the State party consider abolishing or amending article 131 of the Migration Law with a view to avoiding having violations of provisions related to migration treated in the criminal justice system.**

(28) The Committee is concerned at the information that there is in the State party a high number of persons in need of international protection, notably Colombians, who do not apply for asylum for a number of reasons (including the fear of being deported and stringent documentation requirements) and who remain in a very vulnerable and marginalized situation.

(29) **The Committee recommends that the State party ensure that migration control measures do not undermine the safeguards granted by either the 1951 Convention relating to the Status of Refugees, where applicable, or the present Convention, in order to guarantee that no vulnerable group is left without adequate protection.**

(30) The Committee, while noting the State party's measures taken to combat economic exploitation of children, including the creation of the "Foro Social Bananero" and the close cooperation with ILO-IPEC, continues to be concerned at the situation of migrant children working in banana plantations, who often work in hazardous conditions.

(31) **The Committee recommends that the State party continue to work towards the elimination of all kinds of hazardous forms of labour for migrant children, and ensure regular inspections to monitor the proper implementation of this prohibition.**

(32) The Committee recognizes the efforts undertaken by the National Council for Children and Adolescents, including the development of training and awareness-raising programmes in the area of trafficking in persons and commercial sexual exploitation of children. However, it is concerned at the involvement of migrant children in prostitution, especially in the Lago Agrio region and at the fact that there seems still to be a sort of social acceptance of this criminal behaviour against children in the Ecuadorian society.

(33) **The Committee recommends that the State party:**

(a) **Intensify its efforts to tackle the problem of commercial sexual exploitation of migrant children, especially in Lago Agrio, including by providing DINAPEN (the special police for children) with appropriate human and financial resources;**

(b) **Promote awareness in the public at large, including families and children, through information by all appropriate means, education and training, about the harmful effects of all forms of commercial sexual exploitation of children, including child prostitution.**

(34) **The Committee reminds the State party that migrant children involved in prostitution should always be treated as victims and never be criminalized nor penalized. Adequate mechanisms for their physical and psychological recovery and social reintegration should be put in place in this respect.**

(35) The Committee is concerned at the information that a considerable number of migrant children, and notably children of irregular migrant workers, do not have access to the educational system in Ecuador and that this may be caused, inter alia, by the fact that there are a high number of children of migrant workers who are not registered at birth or afterwards, either because their parents fail to register them for fear of being deported or because their registration is refused on the ground of the irregular status of one or both parents.

(36) **The Committee recommends that the State party take appropriate measures to ensure that access to education is guaranteed to all migrant children in accordance with article 30 of the Convention. Furthermore, the State party should intensify its efforts to guarantee that each child of a migrant worker shall have the right to a name and to registration of birth throughout the country, in accordance with article 29 of the Convention.**

(37) The Committee, while noting with appreciation the work performed by the National Council for Women (CONAMU) to include a gender focus in the State party's migration policies, is concerned at the information reporting the vulnerability of undocumented women migrant workers, especially those working in domestic service, many of whom are subjected to inequitable working conditions and other abuses.

(38) **The Committee recommends that the State party continue its efforts to protect migrant women domestic workers, including access to regular migration status and greater and more systematic involvement of the labour authorities in monitoring their working conditions. It also**

recommends that women migrant workers in domestic service have access to mechanisms for bringing complaints against employers.

(39) The Committee notes that under the State party's public health system, every person is entitled to health services, irrespective of migratory status. However, the Committee is concerned about information that in practice migrant workers in an irregular situation and members of their families face difficulties in accessing the public health system.

(40) **The Committee recommends that the State party strengthen its efforts to ensure, in accordance with article 28 of the Convention, that all migrant workers and members of their families - irrespective of their migratory status - enjoy in practice the right to receive any medical care that is urgently required for the preservation of their life or the avoidance of irreparable harm to their health on the basis of equality of treatment with nationals of the State party.**

4. Other rights of migrant workers and members of their families who are documented or in a regular situation (arts. 36-56)

(41) The Committee is concerned that access to the executive bodies of trade unions in the State party is limited to Ecuadorian nationals.

(42) **The Committee encourages the State party to take the necessary measures to guarantee to migrant workers and members of their families the right to form, and to form part of the executive bodies of, associations and unions, in accordance with article 40 of the Convention as well as with ILO Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise.**

5. Promotion of sound, equitable, humane and lawful conditions in connection with international migration of workers and members of their families (arts. 64-71)

(43) The Committee welcomes the reform of the Penal Code introducing the crimes of trafficking in persons and smuggling of migrants as well as the recent adoption of a Plan of Action against Trafficking in Persons and the information that there would be sufficient budget to ensure its implementation. The Committee notes that of the 152 cases of trafficking in persons transmitted to the Office of the Attorney General so far, 4 have resulted in a final conviction.

(44) **The Committee recommends that the State party continue and intensify its efforts to counter trafficking in persons, especially women and children, and smuggling of migrants, in particular by:**

(a) **Ensuring an adequate implementation of the Plan of Action against Trafficking in Persons, including by providing adequate human and financial resources thereto;**

(*b*) Taking appropriate steps to detect the illegal or clandestine movement of migrant workers and their families and punishing the persons and/or groups who organize, operate or assist such movements;

(*c*) Strengthening its efforts to improve the effectiveness of the justice system and bring the perpetrators to justice.

6. Follow-up and dissemination

Follow-up

(45) The Committee requests the State party to include in its second periodic report detailed information on measures taken to follow up on the recommendations made in these concluding observations. The Committee recommends that the State party should take all appropriate measures to ensure that these recommendations are implemented, including by transmitting them for consideration and action to the National Congress and the Cabinet, as well as local authorities.

Dissemination

(46) The Committee likewise requests the State party to disseminate these concluding observations widely, including to public agencies and the judiciary, non-governmental organizations and other members of civil society, and to take steps to make them known to Ecuadorian migrants abroad and foreign migrant workers residing or in transit in Ecuador.

Common core document

(47) The Committee invites the State party to update its core document in accordance with the 2006 harmonized guidelines for the preparation of a common core document (HRI/GEN/2/Rev.4).

7. Next periodic report

(48) The Committee requests the State party to submit its second periodic report by 1 July 2009.

27. Syrian Arab Republic

(1) The Committee considered the initial report of the Syrian Arab Republic (CMW/C/SYR/1) at its 72nd and 73rd meetings (see CMW/C/SR.72 and 73), held on 15 and 16 April, and adopted the following concluding observations at its 85th meeting, held on 24 April 2008.

A. Introduction

(2) The Committee welcomes the timely submission of the initial report of the State party and thanks the State party for its written replies to the list of issues (CMW/C/SYR/Q/1/Add.1). The Committee is gratified by the frank and constructive dialogue with the competent high-level delegation, which expressed their willingness to further improve compliance with the provisions of the Convention.

(3) The Committee recognizes that the Syrian Arab Republic is mainly, but not exclusively, a country of origin for migrant workers and their families. With regard to the large influx of Iraqi nationals into Syria since 2003, the Committee, while expressing its appreciation for Syria's efforts to provide necessary facilities and services, notes the State party's position that they do not fall within the scope of the Convention.

(4) The Committee takes note of the fact that the major countries of destination for Syrian migrant workers are not yet parties to the Convention, which may constitute an obstacle to the enjoyment by those workers of the rights provided for under the Convention.

(5) The Committee also takes note of the State party's position with regard to the continued necessity of the state of emergency, which has been in force since 1962, but remains concerned that the state of emergency may affect the full enjoyment of certain rights and freedoms provided for under the Convention.

B. Positive aspects

(6) The Committee welcomes the recent ratification by the State party of some of the major international human rights treaties, including in particular the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as well as the two Optional Protocols to the Convention on the Rights of the Child.

(7) The Committee takes note of the State party's recent efforts to regulate the employment and recruitment of non-Syrian female domestic workers, including through Prime Ministerial Decision No. 81 of 2006 and Presidential Decree No. 62 of 2007.

(8) The Committee notes the State party's recent efforts to improve the situation of non-Arab migrant workers with regard to the enjoyment of their rights in connection with the freedom of association, including through the inclusion of relevant provisions in Act No. 25 of 2000.

(9) The Committee also takes note of the State party's intention to harmonize other areas of its legislation with the provisions of the Convention, including through the incorporation of relevant stipulations in its new draft Labour Code, such as stipulations on the regulation of private agencies recruiting Syrian nationals for employment outside their country.

(10) The Committee appreciates the efforts undertaken by the State party to promote and protect the rights of the large number of Syrian migrant workers and their families abroad, including through the establishment of a Ministry of Expatriates by legislative decree No. 21 of 2002 and the planned establishment of a new department for migrant workers in the Ministry of Social Affairs and Labour.

C. Principal subjects of concern, suggestions and recommendations

1. General measures of implementation (arts. 73 and 84)

(a) Legislation and application

(11) The Committee notes that the Syrian Arab Republic has not yet made the declarations provided for in articles 76 and 77 of the Convention recognizing the competence of the Committee to receive communications from States parties and individuals.

(12) **The Committee encourages the State party to consider making the declarations provided for in articles 76 and 77 of the Convention.**

(13) The Committee, while appreciating the ratification by the State party of several important conventions of the International Labour Organization (ILO), including Convention No. 111 on Discrimination (Employment and Occupation) of 1958; Convention No. 118 on Equality of Treatment (Social Security) of 1962; and Convention No. 182 on the Worst Forms of Child Labour of 1999, notes that the Syrian Arab Republic has neither acceded to ILO Convention No. 97 on Migration for Employment of 1949 nor to Convention No. 143 on Migrant Workers (Supplementary Provisions) of 1975.

(14) **The Committee invites the State party to consider acceding to ILO Conventions No. 97 and No. 143 as soon as possible.**

(15) The Committee notes that the State party has signed, but not ratified, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime.

(16) **In the light of the importance of the Optional Protocols to the effective implementation of the provisions of the Convention, including those contained in article 68, the Committee recommends that the State party proceed to ratify the Protocols as soon as possible.**

(b) Data collection

(17) The Committee regrets the lack of adequate information and statistics on migration flows and other migration-related issues. The Committee recalls that such information is indispensable to an understanding of the situation of migrant workers in the State party and to an assessment of the implementation of the Convention.

(18) **The Committee encourages the State party to compile information and create a sound database as a tool for the monitoring of effective migration policies and for the effective application of the various provisions of the Convention.**

(c) Promotion of the Convention

(19) The Committee is concerned that migrants who do not speak Arabic may not be in a position to easily access information on their rights under the Convention in the State party.

(20) The Committee encourages the State party to consider measures aimed at ensuring that both Arabic and non-Arabic-speaking migrants are provided with equal access to information concerning their rights under the Convention.

(21) The Committee is concerned about the lack of participation of non-governmental organizations in the dissemination and promotion of the Convention, and in the elaboration of the State party's report.

(22) The Committee encourages the State party to take every effort to work with civil society organizations to promote the Convention and its implementation.

2. General principles (arts. 7 and 83)

(a) Non-discrimination

(23) While noting that Syrian law does not generally discriminate between Syrian nationals and Arab migrant workers in the areas covered by the Convention, the Committee remains concerned that non-Arab migrant workers and their families, in some instances, may be discriminated against in practice, especially at the local level, in their enjoyment of rights and freedoms under the Convention and in their ability to access employment, housing, health care and education.

(24) The Committee encourages the State party to intensify its efforts:

(*a*) To ensure that all migrant workers and members of their families within its territory or subject to its jurisdiction enjoy the rights provided for in the Convention without any discrimination, in conformity with article 7;

(*b*) To promote information campaigns for public officials working in the area of migration, especially at the local level, and for the general public on the elimination of discrimination against migrants.

(b) Right to an effective remedy

(25) The Committee notes the information received from the State party that every individual, whether citizen or alien, has access to the courts of law and enjoys full protection with regard to the rights laid down in the legislation. The Committee is concerned, however, that undocumented migrant workers, as acknowledged by the State party, are not entitled to seek redress through the Syrian labour commissions, bearing in mind also that this is the only means of seeking redress without incurring legal fees. The Committee is also concerned that migrant workers, irrespective of their legal status,

may have limited access to justice in practice, due to a lack of awareness concerning the administrative and judicial remedies that are available to them.

(26) **The Committee encourages the State party to strengthen its efforts to inform migrant workers about available administrative and judicial remedies and to address their complaints in the most effective manner. It recommends that the State party ensure that, in legislation and in practice, migrant workers and members of their families, including those in an irregular situation, have the same rights as nationals of the State party to file complaints and to obtain effective redress mechanisms before the courts as well as the labour commissions.**

3. Human rights of all migrant workers and members of their families (arts. 8-35)

(27) The Committee is concerned about reports of instances in which migrant workers and members of their families found to be in violation of immigration regulations are detained and deported without due process.

(28) **The Committee recommends that the State party consider policies under which the detention of migrant workers in an irregular situation would generally be envisaged only as a measure of last resort and that, in all circumstances, necessary law enforcement measures, including deportation, are carried out with respect for due process. The Committee also recommends that adequate training be provided to all judicial personnel and law enforcement officials on respect for human rights and non-discrimination on ethnic or racial grounds and on the rules of due process in connection with detention and deportation.**

(29) The Committee notes the States party's position that those Iraqi nationals who have sought refuge in the Syrian Arab Republic since 2003 are neither to be considered refugees nor migrant workers falling within the ambit of the Convention. The Committee also notes the information that only some 500 of those Iraqi nationals have received a work permit in Syria.

(30) **While acknowledging the challenges with which the State party is confronted as a result of the large influx of Iraqis since 2003, the Committee wishes to recall that, in accordance with the definition of "migrant workers" in article 2, paragraph 1, of the Convention, Part III of the Convention is to be applied to all non-nationals engaged in a remunerated activity, including those in an irregular situation. In the light of the State party's position that the said Iraqi nationals are not to be considered refugees, and as they are not therefore excluded from the scope of the Convention under article 3 (d), the Committee encourages the State party to consider according to all Iraqi workers in an irregular situation, to the largest extent possible, and insofar as this is not already the case, the rights provided for in Part III of the Convention.**

(31) While noting the State party's explanation that passports of migrant workers are neither withheld by the authorities nor allowed to be withheld by private employers, the Committee is concerned about the State party's acknowledgement that, in practice, some private employers, including those of domestic workers, do not comply with this rule. The Committee is also concerned

about the acknowledgement by the State party that passports of non-Syrian female artists are in fact being withheld by the authorities during the period of their stay in the Syrian Arab Republic.

(32) **The Committee recommends that the State party ensure that private employers comply with the rule that passports of migrant workers may not be withheld for any reason. The Committee also recommends that the State party reconsider its practice concerning the withholding of passports of non-Syrian female artists during their stay in the Syrian Arab Republic.**

(33) While welcoming the State party's ongoing efforts to protect the rights of Syrian migrant workers seeking to work abroad, the Committee notes that the public information made available to migrant workers rarely refers to their rights arising out of the Convention.

(34) **The Committee encourages the State party to pursue its efforts to raise awareness of the rights arising out of the Convention among migrant workers and those seeking to migrate abroad to work.**

4. Other rights of migrant workers and members of their families who are documented or in a regular situation (arts. 36-56)

(35) The Committee regrets that, under the current monetary policy in the Syrian Arab Republic, migrant workers are entitled to remit only a portion not to exceed 60 per cent of their wages in foreign currency.

(36) **In the light of article 47 of the Convention, the Committee recommends that the State party reconsider its current policy of limiting the amount of remittances allowed to be made by migrant workers in Syria.**

5. Promotion of sound, equitable, humane and lawful conditions in connection with international migration of workers and members of their families (arts. 64-71)

(37) In the light of the large number of Syrian nationals working abroad, the Committee is concerned about the information received from the State party that bilateral agreements on the subject of migrant workers have been concluded with only some of the major countries of destination for Syrian workers.

(38) **While appreciating the difficulties with which the State party may be confronted in its efforts to negotiate and conclude agreements with the major countries of destination for Syrian workers, including those in the Persian Gulf region, the Committee encourages the State party to further pursue and strengthen these efforts in order to ensure the best possible protection for Syrian migrant workers abroad.**

(39) While noting the increasing attention paid by the State party to the phenomenon of human trafficking, as evidenced by the recent holding of a series of workshops in Damascus on the subject of

migration and trafficking, the signing of a memorandum of understanding with the International Organization for Migration (IOM) concerning the running of a shelter for victims of human trafficking in the Syrian Arab Republic as well as the elaboration of a draft law to combat trafficking in persons, the Committee is concerned that no specific anti-trafficking legislation has been adopted so far.

(40) **In the light of the provisions of article 68 of the Convention concerning the trafficking and smuggling of persons, the Committee urges the State party:**

(*a*) To adopt the draft law on trafficking in persons; and

(*b*) To step up its efforts to counter migrant-smuggling and trafficking in persons, especially women and children, including by taking appropriate steps to detect the illegal or clandestine movements of migrant workers and their families and punish the criminals and/or groups who orchestrate or assist such movements.

6. Follow-up and dissemination

(a) Follow-up

(41) While the Committee takes note of the information provided in the initial report on laws and regulations related to the provisions of the Convention, the Committee requests the State party to provide detailed information in its second report on how these laws and regulations are implemented in practice.

(42) The Committee requests the State party to include in its second periodic report detailed information on measures taken to follow up on the recommendations made in these concluding observations. The Committee recommends that the State party should take all appropriate measures to ensure that these recommendations are implemented, including by transmitting them for consideration and action to members of the Government and Parliament, as well as local authorities.

(b) Dissemination

(43) The Committee likewise requests the State party to disseminate these concluding observations widely, including to public agencies and the judiciary, non-governmental organizations and other members of civil society, and to inform Syrian migrants abroad and foreign migrant workers in transit or residing in Syria of the rights they and members of their families enjoy under the Convention.

7. Next periodic report

(44) The Committee requests the State party to submit its second periodic report by 1 October 2011.

28. Bolivia

(1) The Committee considered the initial report of Bolivia (CMW/C/BOL/1) at its 74th and 75th meetings (see CMW/C/SR.74 and SR.75), held on 16 and 17 April 2008, and adopted the following concluding observations at its 85th meeting, held on 24 April 2008.

A. Introduction

(2) The Committee welcomes the submission of the initial report of the State party and thanks the State party for its written replies to the list of issues (CMW/C/BOL/Q/1/Add.1). The Committee is gratified by the willingness to cooperate displayed by the delegation during the constructive dialogue with the Committee. It regrets, however, that the report and the written responses do not contain sufficient information on several important questions of both a legal and practical nature, and that the written responses were not submitted well in advance to allow timely translation into the Committee's other working languages. The Committee also regrets the fact that no expert on the subjects covered by the Convention, and discharging relevant responsibilities in the country, was present during the presentation of the report, which made the dialogue between the Committee and the State party difficult.

(3) The Committee recognizes that Bolivia is mainly a country of origin of migrant workers with, however, significant numbers of migrant workers in transit or staying in its territory, in particular Peruvians.

(4) The Committee takes note of the fact that some countries in which Bolivian migrant workers are employed are not yet parties to the Convention, which may constitute an obstacle to the enjoyment by those workers of the rights to which they are entitled under the Convention.

B. Positive aspects

(5) The Committee appreciates the State party's commitment to the rights of migrant workers, as illustrated by the fact that it expressly recognizes that immigration represents an important asset for the country.

(6) The Committee appreciates the programme implemented to assist migrants abroad (*Programa de Atención al Boliviano en el Exterior*), the "mobile consulates", which provide direct assistance to migrants, and the programme *Matrícula Consular* implemented in one country of destination of Bolivian migrants, facilitating the registration of migrants.

(7) The Committee welcomes the National Development Policy for 2007-2010, aimed at supporting microenterprises and creating new jobs, and which refers specifically to migrant issues.

(8) The Committee welcomes the fact that, pursuant to Electoral Code, art. 93 (b), foreigners have the right to vote in municipal elections.

(9) The Committee welcomes the fact that the State party has recently adhered to the following instruments:

(a) The Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict, ratified on 3 June 2003 and 22 December 2004 respectively;

(b) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, ratified on 18 May 2006;

(c) The International Labour Organization (ILO) Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, ratified on 6 June 2003;

(d) The Inter-American Convention on International Traffic in Minors of 1994, ratified on 4 December 2003.

C. Factors and difficulties impeding implementation of the Convention

(10) The Committee notes that the State party is currently in a process of profound institutional and legal changes, in particular in the process of adopting a new constitution.

D. Principal subjects of concern, suggestions and recommendations

1. General measures of implementation (arts. 73 and 84)

Legislation and application

(11) The Committee notes that Bolivia has not yet made the declarations provided for in articles 76 and 77 of the Convention recognizing the competence of the Committee to receive communications from States parties and individuals.

(12) **The Committee encourages the State party to consider making the declarations provided for in articles 76 and 77 of the Convention.**

(13) The Committee notes with concern that, despite the fact that many of the provisions of administrative decree No. 24423 regulating issues related to migration are obsolete, have been derogated or declared unconstitutional by the Supreme Court, this decree has not yet been replaced by a law incorporating the Convention into the national legislation. The Committee takes note of the State party's assurance that a draft bill on migration is being prepared.

(14) **The State party is encouraged to strengthen its efforts to fully incorporate the Convention into the domestic law. The State party should ensure that a migration law fully harmonized with the international treaties be promptly adopted.**

(15) The Committee notes that Bolivia has still not acceded to ILO Convention No. 97 (1949) concerning Migration for Employment, or to Convention No. 143 (1975), concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers.

(16) **The Committee invites the State party to consider acceding to ILO Conventions No. 97 and No. 143 as soon as possible.**

Data collection

(17) While noting the difficulties faced by the State party in this regard, the Committee regrets the lack of adequate information and statistics on migration flows and on other migration-related issues. The Committee recalls that such information is indispensable to an understanding of the situation of migrant workers in the State party and to an assessment of the implementation of the Convention.

(18) **The Committee encourages the State party to create a sound database in line with all aspects of the Convention including systematic data - as disaggregated as possible - as a tool for effective migration policy and for the application of the various provisions of the Convention. When precise information is not possible, for instance with respect to migrant workers in an irregular situation, the Committee would appreciate receiving data based on studies or estimated assessments.**

Training in and dissemination of the Convention

(19) While taking note of the seminars on migration organized in the State party in coordination with the Ombudsman, the Committee notes with concern that there is no further information showing that the State party has taken measures to disseminate information and promote the Convention among all the relevant stakeholders, in particular civil society organizations.

(20) **The Committee encourages the State party to intensify training for all officials working in the area of migration, in particular police and border personnel, as well as officials at the local level dealing with migrant workers. It also encourages the State party to take the necessary steps to ensure access by migrant workers to information about their rights under the Convention. In addition, the Committee encourages the State party to continue to work with civil society organizations, in order to disseminate information and to promote the Convention.**

2. General principles (arts. 7 and 83)

Non-discrimination

(21) While noting the actions undertaken by the State party to combat discrimination, the Committee is concerned that some migrants and members of their families, including Peruvians, have allegedly suffered from discrimination and stigmatization resulting from the behaviour of State authorities, including the National Migration Service (SENAMIG) and police. In particular, the Committee is concerned by reports that some individual cases have been politicized by the media, and have contributed to the continued stigmatization of migrants.

(22) **The Committee encourages the State party to intensify its efforts:**

(*a*) To ensure that all migrant workers and members of their families within its territory or subject to its jurisdiction enjoy the rights provided for in the Convention without any discrimination, in conformity with article 7;

(*b*) To promote information campaigns for public officials working in the area of migration, especially at the local level, and to continue its efforts to change perceptions and the attitude of the general public towards migrant workers, and to combat their social marginalization and stigmatization. The State party should take measures in order to prevent stigmatization of migrants by the media.

Right to an effective remedy

(23) The Committee takes note of the information received from the State party that every individual, citizen or alien, has access to the courts of law and enjoys protection of the rights laid down in the legislation, and that complaint mechanisms before the Ombudsman (*Defensor del Pueblo*) are available for migrant workers. The Committee is nevertheless concerned that migrant workers, irrespective of their legal status, have in practice limited access to justice, due to a lack of awareness concerning the administrative and judicial remedies that are available to them.

(24) **The Committee encourages the State party to strengthen its efforts to inform migrant workers of the administrative and judicial remedies available to them and to address their complaints in the most effective manner. It recommends that the State party ensure that in legislation and in practice, migrant workers and members of their families, including those in an irregular situation, have the same rights as nationals of the State party to file complaints and to obtain effective redress mechanisms before the courts, including the labour courts.**

3. Human rights of all migrant workers and members of their families (arts. 8-35)

(25) The Committee regrets the lack of information from the State party regarding: (a) the number and situation of migrants currently held in administrative or judicial custody for violations of provisions relating to migration; and (b) the length and place of their detention.

(26) **The Committee recommends that the State party ensure that migrants or members of their families when detained for violation of provisions relating to migration are deprived of their liberty for as short a time as possible and that it take steps to guarantee that they are held separately from convicted persons or persons detained pending trial, in accordance with article 17, paragraph 3, of the Convention.**

(27) While taking into account the efforts undertaken by the State party to improve and extend its consular services, the Committee is concerned at the long delays that Bolivians have to endure to obtain documents which could assist them in the full enjoyment of their rights.

(28) **The Committee recommends that consular services respond more effectively to the need for protection of Bolivian migrant workers and members of their families and, in particular, promptly issue travel documents to all Bolivian migrant workers and members of their families, including those who wish to or have to return to Bolivia.**

(29) The Committee is concerned that it is not clear from the information provided by the State party whether migrants have access to appeal procedures in relation to expulsion decisions.

(30) **The State party is invited to ensure that migrant workers and members of their families only be expelled from the territory of the State party pursuant to a decision taken by the competent authority in conformity with the law, and that this decision can be reviewed on appeal.**

4. Other rights of migrant workers and members of their families who are documented or in a regular situation (arts. 36-56)

(31) The Committee is concerned at reports that long delays, failure to meet procedural deadlines and the cost of procedures hinder the regularization of migrant workers and may discourage them from pursuing the procedure for regularization, hence perpetuating their illegal or irregular situation. The Committee notes with concern that decree No. 24423 does not provide specific protection for migrants while undergoing registration procedures.

(32) **The Committee recommends that the State party take all appropriate measures to make regularization procedures more accessible, including through the revision of tariffs and elimination of delays. The State party should set up a protection regime for migrants during the time in which their migratory status is being decided.**

(33) The Committee is concerned that Bolivian migrant workers abroad are not able to exercise their right to vote.

(34) **The Committee encourages the State party to take steps to facilitate the exercise of voting rights by Bolivian migrant workers residing abroad.**

5. Promotion of sound, equitable, humane and lawful conditions in connection with international migration of workers and members of their families (arts. 64-71)

(35) The Committee takes note of the institutions created to deal with migration matters, as the National Migration Service (SENAMIG), the National Council of Migrations, the Department for Aliens, the Department of Legal Affairs, the Department of Inspections and Settlement, and the Departmental Migration Authorities. It is nevertheless concerned that some of them are not yet operational and that there seems to be a lack of coordination among these institutions and services.

(36) **The Committee encourages the State party to establish a coordination mechanism to improve the services provided to migrant workers and members of their families, while ensuring uniformity and conformity with the international and regional treaties to which Bolivia is a party. The institutions and services created to deal with the various aspects of migration should be made operational as soon as possible. In addition, the Committee encourages the State party to ensure that the Convention is taken into account in the formulation and implementation of all policies concerning the rights of migrant workers.**

(37) The Committee notes the information provided by the State party according to which 60 per cent of its indigenous population has migrated abroad. The Committee is concerned about the effects of this mass migration, taking into account the often vulnerable situation of indigenous migrants.

(38) **The Committee invites the State party to contemplate measures for the protection of this group of migrants.**

(39) The Committee is concerned about the situation of children staying in Bolivia, whose mothers have migrated abroad, and the lack of information in this regard. As recognized by the State party, this situation has a very negative impact on their social development.

(40) **The Committee encourages the State party to support a comprehensive study on the situation of children of migrant families, with the aim of developing adequate strategies to ensure their protection and the full enjoyment of their rights.**

(41) While noting the State party's willingness to address the problem of trafficking in persons, the Committee regrets that no mechanism exists to facilitate the identification of refugees or victims of trafficking among migrants, and that the assistance provided to victims of trafficking is very limited.

(42) **The Committee encourages the State party to create mechanisms to facilitate the identification of vulnerable migrant groups, such as refugees and victims of trafficking, in illegal or clandestine movements of migrant workers and members of their families. The Committee also requests the State party to impose effective sanctions on persons and/or groups who orchestrate or assist such movements, and to provide appropriate assistance to the victims.**

(43) Aware of the needs of Bolivians abroad, the Committee is concerned at the absence of mechanisms to assist the voluntary return of Bolivian workers and members of their families to Bolivia.

(44) **The Committee invites the State party to adopt measures and to consider setting up local institutional mechanisms to facilitate the voluntary return of migrant workers and members of their families as well as their durable social and cultural reintegration.**

6. Follow-up and dissemination

(a) Follow-up

(45) While the Committee welcomes the detailed description in the initial report of the State party of the laws and regulations related to the provisions of the Convention, the Committee notes that many of these laws and regulations are in the process of being revised. The Committee requests the State party therefore to provide detailed information in its second report on the progress made in the revision of these laws and regulations and on their practical application.

(46) The Committee requests the State party to include in its second periodic report detailed information on measures taken to follow up on the recommendations made in these concluding observations. The Committee recommends that the State party should take all appropriate measures to ensure that these recommendations are implemented, including by transmitting them for consideration and action to members of the Government and Parliament, as well as to local authorities.

(47) The Committee requests the State party to involve civil society organizations in the preparation of the State party's second report.

(b) Dissemination

(48) The Committee likewise requests the State party to disseminate these concluding observations widely, including to public agencies and the judiciary, non-governmental organizations and other members of civil society, and to inform Bolivian migrants abroad and foreign migrant workers in transit or residing in Bolivia of the rights they and members of their families enjoy under the Convention.

7. Next periodic report

(49) The Committee requests the State party to submit its second periodic report by 1 July 2009.

ANNEXES

Annex I

STATES THAT HAVE SIGNED, RATIFIED OR ACCEDED TO THE INTERNATIONAL CONVENTION ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES AS AT 25 APRIL 2008

State	Signature	Ratification or accession[a]
Albania		5 June 2007[a]
Algeria		21 April 2005[a]
Argentina	10 August 2004	23 February 2007
Azerbaijan		11 January 1999[a]
Bangladesh	7 October 1998	
Belize		14 November 2001[a]
Benin	15 September 2005	
Bolivia		16 October 2000[a]
Bosnia and Herzegovina		13 December 1996[a]
Burkina Faso	16 November 2001	26 November 2003
Cambodia	27 September 2004	
Cape Verde		16 September 1997[a]
Chile	24 September 1993	21 March 2005
Colombia		24 May 1995[a]
Comoros	22 September 2000	
Ecuador		5 February 2002[a]
Egypt		19 February 1993[a]
El Salvador	13 September 2002	14 March 2003
Gabon	15 December 2004	
Ghana	7 September 2000	7 September 2000
Guatemala	7 September 2000	14 March 2003*
Guinea		7 September 2000[a]
Guinea-Bissau	12 September 2000	
Guyana	15 September 2005	
Honduras		9 August 2005[a]

* On 18 September 2007, Guatemala made the declaration recognizing the Committee's competence under articles 76 and 77 of the Convention.

State	Signature	Ratification or accession[a]
Indonesia	22 September 2004	
Kyrgyzstan		29 September 2003[a]
Lesotho	24 September 2004	16 September 2005
Liberia	22 September 2004	
Libyan Arab Jamahiriya		18 June 2004[a]
Mali		5 June 2003[a]
Mauritania		22 January 2007[a]
Mexico	22 May 1991	8 March 1999
Montenegro	23 October 2006	
Morocco	15 August 1991	21 June 1993
Nicaragua		26 October 2005[a]
Paraguay	13 September 2000	
Peru	22 September 2004	14 September 2005
Philippines	15 November 1993	5 July 1995
Sao Tome and Principe	6 September 2000	
Senegal		9 June 1999[a]
Serbia	11 November 2004	
Seychelles		15 December 1994[a]
Sierra Leone	15 September 2000	
Sri Lanka		11 March 1996[a]
Syrian Arab Republic		2 June 2005
Tajikistan	7 September 2000	8 January 2002
Timor-Leste		30 January 2004[a]
Togo	15 November 2001	
Turkey	13 January 1999	27 September 2004
Uganda		14 November 1995[a]
Uruguay		15 February 2001[a]

Annex II

MEMBERSHIP OF THE COMMITTEE ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES

Name of the member	Country of nationality	Term expires on 31 December
Mr. Francisco ALBA	Mexico	2011
Mr. José Serrano BRILLANTES	Philippines	2009
Ms. Ana Elizabeth CUBIAS MEDINA	El Salvador	2011
Ms. Anamaría DIEGUEZ	Guatemala	2009
Mr. Ahmed Hassan EL-BORAI	Egypt	2011
Mr. Abdelhamid EL JAMRI	Morocco	2011
Mr. Prasad KARIYAWASAM	Sri Lanka	2009
Ms. Myriam POUSSI KONSIMBO	Burkina Faso	2011
Mr. Mehmet SEVIM	Turkey	2009
Mr. Azad TAGHIZADE	Azerbaijan	2009

Mr. Francisco Carrion Mena (Ecuador) was a member of the Committee until 31 December 2007. Ms. Poussi Konsimbo became a member of the Committee as of 1 January 2008.

Composition of the Bureau

Chairperson:	Mr. Abdelhamid El Jamri
Vice-Chairpersons:	Mr. José Brillantes Ms. Anamaría Dieguez Mr. Azad Taghizade
Rapporteur:	Mr. Francisco Alba

Annex III

SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLE 73 OF THE CONVENTION AS AT 25 APRIL 2008

State party	Type of report	Date due	Received
Albania	Initial	1 October 2008	
Algeria	Initial	1 August 2006	
Argentina	Initial	1 June 2008	
Azerbaijan	Initial	1 July 2004	27 June 2007
Belize	Initial	1 July 2004	
Bolivia	Second	1 July 2009	
Bosnia and Herzegovina	Initial	1 July 2004	2 August 2007
Burkina Faso	Initial	1 March 2005	
Cape Verde	Initial	1 July 2004	
Chile	Initial	1 July 2006	
Colombia	Initial	1 July 2004	1 March 2007
Ecuador	Second periodic	1 July 2009	
Egypt	Second periodic	1 July 2009	
El Salvador	Initial	1 July 2004	19 February 2007
Ghana	Initial	1 July 2004	
Guatemala	Initial	1 July 2004	
Guinea	Initial	1 July 2004	
Honduras	Initial	1 December 2006	
Kyrgyzstan	Initial	1 January 2005	
Lesotho	Initial	1 January 2007	
Libyan Arab Jamahiriya	Initial	1 October 2005	
Mali	Second periodic	1 October 2009	
Mauritania	Initial	1 May 2008	
Mexico	Second periodic	1 July 2009	
Morocco	Initial	1 July 2004	
Nicaragua	Initial	1 February 2007	
Peru	Initial	1 January 2007	
Philippines	Initial	1 July 2004	25 January 2008
Senegal	Initial	1 July 2004	
Seychelles	Initial	1 July 2004	

State party	Type of report	Date due	Received
Sri Lanka	Initial	1 July 2004	21 April 2008
Syrian Arab Republic	Second	1 October 2011	
Tajikistan	Initial	1 July 2004	
Timor-Leste	Initial	1 May 2005	
Turkey	Initial	1 January 2006	
Uganda	Initial	1 July 2004	
Uruguay	Initial	1 July 2004	

Annex IV

LIST OF DOCUMENTS ISSUED OR TO BE ISSUED IN CONNECTION WITH THE SEVENTH AND EIGHTH SESSIONS OF THE COMMITTEE

CMW/C/7/1	Provisional agenda and annotations (seventh session of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families)
CMW/C/SR.59-68	Summary records of the seventh session of the Committee
CMW/C/8/1	Provisional agenda and annotations (eighth session of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families)
CMW/C/SR.69-87	Summary records of the eighth session of the Committee
CMW/C/ECU/1	Initial report of Ecuador
CMW/C/ECU/1/Q	List of issues: Ecuador
CMW/C/ECU/1/Q/Add.1	Written replies from the Government of Ecuador to the list of issues
CMW/C/ECU/CO/1	Concluding observations of the Committee on the initial report by Ecuador
CMW/C/SYR/1	Initial report of the Syrian Arab Republic
CMW/C/SYR/1/Q	List of issues: the Syrian Arab Republic
CMW/C/SYR/1/Q/Add.1	Written replies from the Government of the Syrian Arab Republic to the list of issues
CMW/C/SYR/CO/1	Concluding observations of the Committee on the initial report of the Syrian Arab Republic
CMW/C/BOL/1	Initial report of Bolivia
CMW/C/BOL/1/Q	List of issues: Bolivia
CMW/C/BOL/1/Q/Add.1	Written replies from the Government of Bolivia to the list of issues
CMW/C/BOL/CO/1	Concluding observations of the Committee on the initial report by Bolivia
CMW/C/2008/1	Guidelines for the periodic reports to be submitted by States parties under article 73 of the Convention

Annex V

GUIDELINES FOR THE PERIODIC REPORTS TO BE SUBMITTED BY STATES PARTIES UNDER ARTICLE 73 OF THE CONVENTION

Introduction

1. Article 73, paragraph 1 (a), of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families provides that States parties undertake to submit to the Secretary-General, for consideration by the Committee, a report on the measures they have taken to give effect to the provisions of the Convention. Thereafter, the States parties shall submit periodic reports every five years and whenever the Committee so requests, according to article 73, paragraph 1 (b). The Committee has agreed to the following guidelines in addition to its guidelines for initial reports, in order to give indications to States parties on the form and contents of their periodic reports.

2. State reports under the reporting system will consist of two parts: the common core document and the treaty-specific document. The common core document should include general information about the reporting State, the general framework for the protection and promotion of human rights as well as general information on non-discrimination and equality and effective remedies in accordance with the harmonized guidelines (HRI/GEN/2/Rev.4).

I. THE DOCUMENT SPECIFIC TO THE COMMITTEE ON MIGRANT WORKERS

3. In the document specific to the Committee on Migrant Workers (the "CMW-specific" document), States parties should provide information relating to:

(a) The implementation of the Convention, taking into account the issues raised by the Committee in its concluding observations on the State party's previous report;

(b) Recent developments in law and practice affecting the enjoyment of the rights of migrant workers. The Committee-specific document should not merely list or describe the legislation of the State party but elaborate on its practical implementation;

(c) The measures taken by the State party for the dissemination and promotion of the Convention and on the cooperation with civil society in order to promote and respect the rights contained in the Convention and in the preparation of the State party's Committee-specific document.

4. The Committee-specific document should be divided in two sections, a general information part and a specific provisions part, according to the following indications.

II. GENERAL INFORMATION

5. In this part of the periodic report, the State party should provide updated information related to the current reporting period in accordance with the following categories; if there is nothing new to report under a category, it should be so stated:

(a) Disaggregated data on the characteristics and nature of migratory flows (immigration, transit and emigration) affecting the State party. If no exact data are available, please provide estimated figures on the dynamics of migration flows in the State party;

(b) Data and statistics on the number of unaccompanied or separated migrant children within the territory of the State party;

(c) Steps that have been taken to harmonize the national migration laws with the Convention, including whether the State party has plans to withdraw its reservations to the Convention, if any;

(d) Any signature, accession or ratification of human rights treaties or international instruments relevant for the implementation of the present Convention; in particular, any steps taken towards ratification of International Labour Organization (ILO) Conventions Nos. 97 (1949) on Migration for Employment and No. 143 (1975) on Migrant Workers.

(e) Any court decisions related to the enjoyment by migrants and members of their families of the rights contained in the Convention;

(f) Any change in the legislation affecting the implementation of the Convention;

(g) Specific procedures that have been put in place in order to deal with mixed migratory flows, in particular to establish the special protection needs of asylum-seekers and victims of trafficking; in this context, please indicate whether national legislation provides for the application of the Convention to refugees and/or stateless persons, according to article 3 (d) of the Convention;

(h) Steps taken to ensure that migrant children who are detained including for violations of provisions relating to migration, are held separately from other adults and whether specific procedures are in place to determine the age of juvenile migrants; data on the number of migrant children detained;

(i) Special programmes to address the special interests of migrant children, including unaccompanied and separated children;

(j) Legislation and practice providing for mechanisms to monitor the situation of migrant women, including those employed as domestic workers, and safeguards and guarantees to protect them from exploitation and violence;

(k) Procedures assisting victims of trafficking, especially women and children;

(l) Measures taken to provide assistance given by the State party to its migrants abroad;

(m) Measures taken to facilitate migrants' reintegration in case of return to the State party;

(n) Multilateral or bilateral agreements relating to migration the State party has entered into, including regional agreements;

(o) Efforts made, also in cooperation with other States, in order to prevent migrants' loss of life at the land and maritime border areas;

(p) Measures to prevent clandestine movements and employment of migrants in an irregular situation.

III. SPECIFIC PROVISIONS

6. The information provided in this part should be per cluster of articles as indicated in the initial report guidelines (HRI/GEN/2/Rev.2/Add.1) and should clearly make reference to any progress made towards the enjoyment of the Convention rights by migrant workers and members of their families during the reporting period. If there is nothing new to report under any article, it should be so stated.

7. On each cluster of articles, the State party should also include information on concrete measures taken with regard to the concluding observations adopted by the Committee in relation to the previous report.

IV. REFERENCES TO OTHER TREATY-SPECIFIC DOCUMENTS AND ILO CONVENTION REPORTS

8. If a State party refers in its Committee on Migrant Workers-specific document to information contained either in the common core document, or in any other treaty-specific documents, it should indicate precisely the relevant paragraphs in which such information is contained.

9. Similarly, if a State party is party to any of the ILO Conventions listed in appendix 2 of the harmonized guidelines and has already submitted reports to the supervisory committee concerned that are relevant to any of the rights recognized in the Convention, it may wish to refer and to attach the respective parts of those reports rather than repeat the information.

V. FORMAT OF THE CMW-SPECIFIC DOCUMENT

10. As required in paragraph 19 of the harmonized guidelines, subsequent periodic documents should be limited to 40 pages. Pages should be formatted for A4-size paper, with 1.5-line spacing, and text set in 12-point Times New Roman type. Reports should be submitted in electronic form (on diskette, CD-ROM or by electronic mail), accompanied by a printed paper copy.

11. The report should be accompanied by sufficient copies (if possible in English, French or Spanish) of the principal legislative and other texts referred to in the report. These will be made available to members of the Committee. It should be noted, however, that they will not be reproduced for general distribution with the report. Reports should also contain a full explanation of all abbreviations used in the text, especially when referring to national institutions, organizations, laws, etc., that are not likely to be readily understood outside of the State party.

Annex VI

PROPOSAL TO THE SECOND GLOBAL FORUM ON MIGRATION AND DEVELOPMENT CONCERNING ROUND TABLE 1

I. CONCEPTUAL FRAMEWORK

1. Migration has historically contributed to development and economic and social well-being in both destination and origin countries. International mobility is today a vital feature of globalization; foreign skills and labour are increasingly required by developed and developing countries worldwide. Migrants are first and foremost human beings, whose rights, dignity and security require specific and special protection.

2. Human rights are universal, indivisible and inalienable. This sixtieth anniversary of the Universal Declaration of Human Rights underscores that all people deserve respect of their human rights because of the inherent dignity of every human being, regardless of their relation to productive employment, their state of residence or to legal status.

3. A rights-based approach to migration can promote good relations between regions, States and within societies in which migrant workers reside. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families can be a basis and a tool that can be used for this purpose.

4. Economic data and research evidence increasingly reinforce the notions that protection of rights of all migrants enhances the development and productivity impact of migration and conversely, rights denial and abuse carries significant costs not only to migrants and to host or employment countries, but also to their home countries. For example, abuse and exploitation of migrant workers denies them decent work and earnings, reducing their contributions to host societies as well as to their home countries. Moreover, discrimination and social exclusion against migrants threaten social cohesion, thus ultimately jeopardizing stability and democratic governance.

5. Several international instruments provide the necessary legal framework not only for protection of migrants' rights, but also for national migration policy and international cooperation to regulate migration. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families explicitly aggregates and applies the rights elaborated in the Universal Declaration of Human Rights and the International Covenants on Political and Civil Rights and on Economic, Social and Cultural Rights to the specific situation of migrant workers and members of their families, other conventions have similarly done so for other groups (women, children, racial minorities). This makes the Convention a comprehensive instrument of legal guidance for States in the formulation of migration policy. The complementary ILO Conventions on migration for employment (Nos. 97 and 143) provide specific standards regarding migrant worker employment and occupation.

6. The following issues are of fundamental importance in this context:

(a) Relevant international human rights standards are the necessary foundational starting point, reference and guidance for all migration policies;

(b) Migration policy needs to be explicitly built on the realization that development can only be achieved in conditions of social cohesion. This can only be obtained and sustained through non-discrimination and respect of human rights for all;

(c) Regarding cooperation among States, the Convention on Migrant Workers provides essential guidelines for international cooperation in order to promote lawful, equitable and humane conditions of migration, and underscores that protection of human rights of migrants is a shared responsibility. Specific guidance is provided in its part VI regarding cooperation on recruitment operations; return of migrant workers and members of their families, preventing and eliminating irregular or clandestine movements, and employment of migrant workers in an irregular situation;

(d) Irregular migration can best be addressed and prevented by ensuring the protection of the labour and human rights of migrants and by eliminating the incentives for labour exploitation, work in abusive conditions and unauthorized employment that fuel trafficking and smuggling;

(e) It is in States' interests to ratify the Convention on Migrant Workers, as Governments benefit, inter alia, from:

- Comprehensive legal policy guidance applicable to countries of origin, destination, and transit
- Unambiguous guidance to States on how to ensure the human rights of migrant workers and members of their family
- A clear framework for enhanced bilateral and multilateral cooperation for lawful, humane and equitable migration
- Specific guidelines to humanely and equitably address irregular migration and prevent unfair competition in the labour market
- The reporting obligation as it requires cooperation among the government entities addressing different aspects of migration
- Explicit respect for sovereignty of States in determining migration policy

II. GOOD PRACTICES

7. The foremost and most widespread good practice is the ratification and implementation by 79 States to date of at least one of the three legal standards/conventions on migration and migrant workers. A number of States have ratified two of these instruments and several have ratified all three

complementary instruments. The International Convention on the Rights of Migrant Workers and Members of Their Families has 37 accessions or ratifications; there are also 47 for ILO Convention No. 97 and 23 for ILO Convention No. 143. In addition, 14 other States have signed the Convention and may be proceeding to its ratification; a country's signature signals a general disposition to comply. A number of other countries have adopted national legislation and practices on migration drawing on the norms elaborated in these three instruments.

8. Consequently, one widespread good practice is that most of the ratifying countries have adopted national policy and practice largely in accord with the standards specified in these instruments; this practice is verified by the periodic reports to and comments by the respective treaty supervisory bodies.

9. The Committee on Migrant Workers has identified further good practices through its examination of reports of States parties. The Committee has conducted detailed examinations of several States parties' reports.

10. Examples of innovative as well as standard good practices include:

(a) Establishment of special groups to protect and counsel migrants in transit by the State party (Mexico);

(b) The implementation of migration regularization programmes with the aim of documenting irregular migrant workers (Mexico, Ecuador);

(c) Implementation of measures against the dissemination of misleading information relating to emigration, e.g., by the creation of a Ministry in charge of providing information to nationals who may be intending to emigrate (Mali);

(d) The participation of civil society organizations in the institutional framework dealing with the formulation of public policies on migration with a rights-based approach (Mexico, Ecuador);

(e) Efforts to regulate private recruitment agencies and to close down those which do not comply with the national legislation (Egypt);

(f) Adoption of bilateral agreements with both countries of employment of the State party's migrant workers, and with countries of origin of migrant workers travelling to the State party (Ecuador);

(g) Efforts by States parties to extend origin country voting rights to citizens residing abroad (Mexico, Mali, Ecuador).

III. EMERGING ISSUES FOR GOVERNMENTS

11. A fundamental contextual issue is reconciling economic pressures to reduce rights-based protection for foreign workers in order to sustain labour-cost competitiveness, with the need to uphold

equality of treatment and non-discrimination as guarantors of labour market coherence, workforce productivity, and social cohesion.

12. The general policy challenge is to obtain economic and social benefits from international migration - migration that is today primarily about labour and skills mobility - through good governance and regulatory instruments, while avoiding overemphasis on restrictive control measures.

13. A major issue is how to confront widespread adverse public perceptions, opinions and resentment and xenophobia against foreigners, particularly migrant workers, especially where they are commonly portrayed as unfairly competing for scarce employment and housing, unjustly or illegally drawing on public welfare resources, and associated with criminality.

14. The operational challenge is to establish a framework for a comprehensive, integrated and credible approach to regulating migration; reconciling contradictions in policies and the diverse objections of different branches of government responsible for the multiple aspects of migration policy and administration such as employment and labour, development, interior and security, foreign relations, health, education, housing, law enforcement and local administration.

15. Equally at issue is generating the political will, stakeholder cooperation and mobilization of popular support to extend, apply and consolidate rights-based protections and equality of treatment to foreign workers and populations as foundation and guarantors of economic progress as well as social cohesion and tranquillity.

IV. SUGGESTIONS AND PROPOSALS TO POLICYMAKERS

16. Policymakers should:

(a) Formulate, negotiate and adopt a comprehensive national migration policy statement or plan as both a consultative process and a product document in order to build a coherent, viable and publicly supported national approach to all aspects relating to migrant workers;

(b) Adopt the International Convention on Migrant Workers as a guideline for the shape and content of national policy and relevant national enabling legislation;

(c) Strengthen national laws and monitoring institutions on anti-discrimination, anti-racism and equality of treatment, with specific reference to foreigners and nationality as prohibited grounds of discrimination;

(d) Encourage and support specific measures and actions at workplaces to prevent discrimination and facilitate integration of migrant and foreign-origin workers into the societies they serve;

(e) Conduct evidence-based public-awareness campaigns and reporting regarding the economic and social contributions of migrant workers and migration, linked with encouragement of non-discrimination and equality of treatment;

(f) Ensure that public officials and other opinion leaders emphasize accurate and positive portrayals and references to migrant workers; and establish formal and informal sanctions for anti-migrant-worker rhetoric and behaviour.

Annex VII

PROGRAMME OF THE ROUND TABLE IN CELEBRATION OF THE FIFTH ANNIVERSARY OF THE ENTRY INTO FORCE OF THE INTERNATIONAL CONVENTION ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES

Committee on Migrant Workers, eighth session:

Celebration of the fifth anniversary of the entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

Friday 18 April 2008, 10 a.m. to 1 p.m., Palais Wilson, Geneva, ground-floor conference room

Opening and words of welcome

Chairman of the Committee

Part I

"Imperative for a rights-based approach to migration in the context of globalization", Patrick Taran, International Labour Organization

"The importance of the Convention in migrant protection, employment and productivity", Marie-Claire Caloz-Tschopp, University of Lausanne

"The relevance of the Convention in light of today's migration challenges", Ryszard Cholewinski, International Organization for Migration

Discussion

Part II

"Usefulness of the Convention as a tool for migration policy, States parties' perspective", Denis Y. Lepatan, Ambassador and Deputy Permanent Representative of the Philippines; Carlos Santos, Chargé d'affaires a.i., Permanent Mission of Ecuador

"Prospects for ratifications of the Convention", Antoine Pecoud, UNESCO

"Action for ratification of the Convention", René Plaetevoet, NGO December 18/EPMWR

Discussion

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